

SECOND REGULAR SESSION

# SENATE BILL NO. 854

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR LOUDON.

Pre-filed December 1, 2003, and ordered printed.

TERRY L. SPIELER, Secretary.

3106S.01I

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## AN ACT

To repeal sections 167.181 and 210.003, RSMo, and to enact in lieu thereof two new sections relating to vaccinations for children.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 167.181 and 210.003, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 167.181 and 210.003, to read as follows:

167.181. 1. The department of health and senior services, after consultation with the department of elementary and secondary education, shall promulgate rules and regulations governing the [immunization] **vaccination** against poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and hepatitis B, to be required of children attending public, private, parochial or parish schools. Such rules and regulations may modify the [immunization] **vaccination** that are required of children in this subsection. The [immunization] **vaccination** required and the manner and frequency of their administration shall conform to recognized standards of medical practice. The department of health and senior services shall supervise and secure the enforcement of the required [immunization] **vaccination** program.

2. It is unlawful for any student to attend school unless he has [been immunized] **acquired natural immunity or has been vaccinated** as required under the rules and regulations of the department of health and senior services,

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

and can provide satisfactory evidence of such [immunization] **immunity or vaccination**; except that if he produces satisfactory evidence of having begun the process of [immunization] **vaccination**, he may continue to attend school as long as the [immunization] **vaccination** process is being accomplished in the prescribed manner. It is unlawful for any parent or guardian to refuse or neglect to have his child [immunized] **vaccinated** as required by this section, unless the child is properly exempted **pursuant to subsection 3 of this section**.

3. This section shall not apply to any child if one parent or guardian objects in writing to his school administrator against the [immunization] **vaccination** of the child[, because of religious beliefs or medical contraindications. In cases where any such objection is for reasons of medical contraindications, a statement from a duly licensed physician must also be provided to the school administrator] **prior to the first day of the child attending school. In the event the parent or guardian has not submitted a prior written objection against the vaccination, within two weeks of the child attending school the parent or guardian shall provide proof of vaccination or a notarized vaccination exemption form against the vaccination. The vaccination exemption form shall be submitted in the following form:**

**"Required under the state of Missouri vaccination law (Section 167.181, RSMo) for school attendance.**

**This is to certify that (name of child) .....**

**Should be exempted from receiving the following checked vaccination(s):**

... Diphtheria      ... Tetanus      ... Pertussis      ... Td      ... Polio  
... MMR      ... Mumps      ... Rubella      ... Hepatitis B      ... Other

1. Unvaccinated children have a greater risk of getting these vaccine-preventable diseases which can lead to serious complications.

2. Unvaccinated children are subject to exclusion from school when outbreaks of vaccine-preventable diseases occur.

**Parent/Guardian Name (print or type).....**

**Parent/Guardian Signature .....**

**Date .....**

**I certify that I have received materials in support of vaccination and materials against vaccination and have made an informed decision.**

**Parent/Guardian Signature .....**

**Notary Seal**

**My commission expires:"**

4. Each school superintendent, whether of a public, private, parochial or parish school, shall cause to be prepared a record showing the [immunization] **vaccination** status of every child enrolled in or attending a school under his jurisdiction. The name of any parent or guardian who neglects or refuses to permit a nonexempted child to be [immunized] **vaccinated** against diseases as required by the rules and regulations promulgated pursuant to the provisions of this section shall be reported by the school superintendent to the department of health and senior services.

5. The [immunization] **vaccination** required may be done by any duly licensed physician or by someone under his direction. If the parent or guardian is unable to pay, the child shall be [immunized] **vaccinated** at public expense by a physician or nurse at or from the county, district, city public health center or a school nurse or by a nurse or physician in the private office or clinic of the child's personal physician with the costs of [immunization] **vaccination** paid through the state Medicaid program, private insurance or in a manner to be determined by the department of health and senior services subject to state and federal appropriations, and after consultation with the school superintendent and the advisory committee established in section 192.630, RSMo. When a child receives his or her [immunization] **vaccination**, the treating physician may also administer the appropriate fluoride treatment to the child's teeth.

6. Funds for the administration of this section and for the purchase of vaccines for children of families unable to afford them shall be appropriated to the department of health and senior services from general revenue or from federal funds if available.

**7. Nothing in this section shall be construed to diminish any religious freedoms protected by article I, section 5 of the Missouri Constitution and the first amendment to the United States Constitution.**

8. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to

review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

210.003. 1. No child shall be permitted to enroll in or attend any public, private or parochial day care center, preschool or nursery school caring for ten or more children unless such child has ~~[been adequately immunized]~~ **acquired natural immunity or has been adequately vaccinated** against vaccine-preventable childhood illnesses specified by the department of health and senior services in accordance with recommendations of the **Advisory Committee on Immunization Practices [Advisory Committee]** (ACIP). The parent or guardian of such child shall provide satisfactory evidence of the required ~~[immunizations]~~ **vaccinations**.

2. A child who has ~~[not]~~ **neither acquired natural immunity nor** completed all ~~[immunizations]~~ **vaccinations** appropriate for his age may enroll, if:

(1) Satisfactory evidence is produced that such child has begun the process of ~~[immunizations]~~ **vaccinations**. The child may continue to attend as long as the ~~[immunizations]~~ **vaccinations** process is being accomplished according to the ACIP/Missouri department of health and senior services recommended schedule; or

(2) The parent or guardian has signed and placed on file with the day care administrator a statement of exemption which may be either of the following:

(a) A medical exemption, by which a child shall be exempted from the requirements of this section upon certification by a licensed physician that such ~~[immunizations]~~ **vaccinations** would seriously endanger the child's health or life; or

(b) A parent or guardian exemption, by which a child shall be exempted from the requirements of this section if one parent or guardian files a written objection to ~~[immunization]~~ **vaccination** with the day care administrator. ~~[Exemptions shall be accepted by the day care administrator when the necessary information as determined by the department of health and senior services is filed with the day care administrator by the parent or guardian.]~~ Exemption forms ~~[shall]~~ **may** be provided by the department of health and senior services, **but the parent or guardian may supply their own form.**

3. In the event of an outbreak or suspected outbreak of a vaccine-preventable disease within a particular facility, the administrator of the

facility shall follow the control measures instituted by the local health authority or the department of health and senior services or both the local health authority and the department of health and senior services, as established in Rule 19 CSR 20-20.040, "Measures for the Control of Communicable Diseases".

4. The administrator of each public, private or parochial day care center, preschool or nursery school shall cause to be prepared a record of [immunization] **vaccination** of every child enrolled in or attending a facility under his jurisdiction. An annual summary report shall be made by January fifteenth showing the [immunization] **vaccination** status of each child enrolled, using forms provided for this purpose by the department of health and senior services. The [immunization] **vaccination** records shall be available for review by department of health and senior services personnel upon request.

5. For purposes of this section, satisfactory evidence of [immunization] **vaccination** means a statement, certificate or record from a physician or other recognized health facility or personnel, stating that the required [immunizations] **vaccinations** have been given to the child and verifying the type of vaccine and the month, day and year of administration.

6. Nothing in this section shall preclude any political subdivision **or private or parochial day care center, preschool, or nursery school** from adopting more stringent rules regarding the [immunization] **vaccination** of preschool children.

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